

**REMARKS**

Applicants request that the Examiner reconsider and withdraw the election requirement made in the Office Action dated August 30, 2007. Applicants respectfully submit that the requirement does not meet the test set forth in M.P.E.P. §803, namely there is no undue burden on the Examiner to examine all of the pending claims. To comply with the Rules, however, Applicants hereinbelow provisionally elect a “species” from Group A and a “species” from Group B as requested. In making these elections, Applicants expressly reserve the right to prosecute the unelected claims in a divisional application.

With respect to Group A, Applicants hereby provisionally elect, with traverse, the species as set forth in claim 4 “wherein the one or more locations on the bone upon which to dispose the one or more fixators include one or more locations on the bone upon which to dispose one or more pins for receiving the one or more fixators.”

With respect to Group B, Applicants hereby provisionally elect, with traverse, the species as set forth in claim 14 “wherein generating a surgical plan includes: generating a simulation of the surgical plan.” Claims 15 and 16 depend from claim 14.

Applicants further state that claim 1 is a generic claim, and hence that all claims dependent upon it should be considered upon its allowance.

Applicants further state that claims 1-20 read upon the elected species.

**CONCLUSION**

Applicants submit that the pending claims are now in condition for allowance, and request such action.

The Commissioner is hereby authorized to charge an extension fee of \$1,115.00, together with any further amount required for proper filing of this paper, to our Deposit Account No. 06-1448, Reference CMV-005.03.

The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. 06-1448.

Applicants invite the Examiner to contact the Applicants' Attorney if questions arise regarding this Response.

Respectfully submitted,

Date: February 25, 2008

***Customer No: 25181***

Patent Group

Foley Hoag, LLP

155 Seaport Blvd.

Boston, MA 02210-2600

/ Stephen B. Deutsch/

Stephen B. Deutsch, Reg. No. 46,663

Attorney for Applicants

Tel. No. (617) 832-1118

Fax. No. (617) 832-7000